IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

Bail Appl..No. 5650 of 2007()

CRIME NO. 123/07 OF KARIMKUNNAM POLICE STATION

PETITIONER:

GIRISH, S/O. MONY,
AGED 32 YEARS, VETTUKALLUPURATH HOUSE,
KANNADIKKANDAM BHAGAM, VENGALOOR KARA,
KARINKUNNAM VILLAGE.

BY ADV. SRI.P.SANJAY
SRI.BIJU MEENATTOOR

RESPONDENTS:

STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE, KARIMKUNNAM
POLICE STATION THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 5650 of 2007

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Dated this the 27th day of September, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations of matrimonial cruelty punishable under Section 498A I.P.C. He is the husband of the defacto complainant. The marriage took place in 2000. The spouses are blessed with one child.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. There is strain in the marital tie and on account of such strain, fanciful, false and exaggerated allegations are being made against the petitioner. The petitioner is willing to abide by any conditions. In fact the disputes between the parties have been settled and they have resumed cohabitation, submits the learned counsel.

3. In view of the said submissions, the learned Prosecutor was requested to take specific instructions. He submits that even though there is nothing to show that the parties have resumed cohabitation, questioning of the defacto complainant reveals that she is not averse to the idea of a settlement. Be that as it may, I am

persuaded to agree that directions under Section 438 Cr.P.C. can be issued in favour of the petitioner.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 4.10.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 5.10.07, and 6.10.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 4.10.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 4.10.2007 as directed in clause (1) above, he shall be released on bail on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 4.10.2007.

(R. BASANT)
Judge

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